

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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SERVER TECHNOLOGY, INC.,

Plaintiff/Counter-Defendant,

v.

AMERICAN POWER CONVERSION
CORPORATION,

Defendant/Counter-Claimant.

Case No. 3:11-cv-0068-LRH-WGC

ORDER

This is a patent infringement action between plaintiff and counter-defendant Server Technology, Inc. (“STI”) and defendant and counter-claimant American Power Conversion Corporation (“APC”). Both STI and APC manufacture intelligent power distribution units (“PDUs”).

In 2006, STI brought suit against APC alleging that APC’s AP7900 and AP8900 series of products infringed two of STI’s patents: United States Patents numbers 7,043,543 (“the ‘543 patent”), and 7,702,771 (“the ‘771 patent”). *Server Tech, Inc. v. Am. Power Conversion Corp.*, case no. 3:06-cv-0698-LRH-VPC (“STI I”) (ECF No. 1). While that action was pending, STI brought suit against APC in the present action alleging that various APC products infringed five different STI patents: United States Patents numbers 7,368,830 (“the ‘830 patent”), 7,414,329 (“the ‘329 patent”), 7,777,365 (“the ‘365 patent”), 7,268,998 (“the ‘998 patent”), and 7,774,443 (“the ‘443 patent”). ECF No. 1.

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1 Between May 12 and May 27, 2014, a jury trial was held in STI I on the issues of
2 infringement and invalidity. On May 29, 2014, the jury returned a verdict finding that APC's
3 AP7900 and AP8900 product lines infringed claim 15 of both the '543 and '771 patents. *Server*
4 *Tech, Inc.*, case no. 3:06-cv-0698-LRH-VPC (ECF No. 590). APC appealed the jury verdict to
5 the Federal Circuit. *Server Tech, Inc.*, case no. 3:06-cv-0698-LRH-VPC (ECF No. 673). On
6 September 23, 2016, the Federal Circuit issued an order in STI I and remanded that action back
7 to this court. *See Server Tech., Inc. v. Am. Power Conversion Corp.*, 657 Fed. Appx. 1030 (Fed.
8 Cir. 2016). Upon receiving the Federal Circuit's decision, the court issued an order setting forth
9 the procedure for the continuation of litigation in STI I. *See Server Tech, Inc.*, case no. 3:06-cv-
10 0698-LRH-VPC (ECF No. 691).

11 In light of the Federal Circuit's decision and the court's February 23, 2017 order in STI I,
12 the court finds that a similar procedure is necessary to govern this litigation. Therefore, the
13 parties are directed to meet and confer and file a joint status report within twenty (20) days of
14 entry of this order addressing all pending issues, claims, and defenses in this action. Such joint
15 status report shall also address the need for any further briefing or pleadings on the claim
16 construction of the underlying patents and set forth a proposed schedule for the filing of any
17 further briefs or pleadings, if requested.

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19 IT IS THEREFORE ORDERED that the parties shall, within twenty (20) days of entry of
20 this order, file a joint status report in accordance with this order.

21 IT IS SO ORDERED.

22 DATED this 9th day of March, 2017.

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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE